

REGULATION NO. 5 ECF COMPLAINTS PROCEDURE

Made by the Board of English Chess Federation (ECF) on 4th September, 2024 pursuant to Article 86 of the Articles of Association of English Chess Federation

1. Introduction

1.1. This document sets out the procedures for the handling of complaints concerning the English Chess Federation (ECF) and the actions of its officials when acting in an official capacity. For the purposes of this document “ECF officials” or “officials” shall mean the directors, any person appointed by the board or by one or more directors, any person appointed directly or indirectly by any such person and any person appointed by Council.

1.2. It is expected that before any formal complaint is made, resolution will have been attempted as referred to in paragraph 2.1 below. As such, the complaints process should be seen as a last resort.

1.3. An administration charge of £75 shall be payable for any complaint raised. This fee shall be payable via the ECF Office and will be returnable if the complaint is upheld or if the complaint is found to have significant merit.

1.4. The complaint must be raised within 4 weeks of the alleged infraction and must be submitted to the ECF Office with the above fee.

1.5 The complaints process may only be used to seek redress in cases of alleged serious failure of an ECF official to properly carry out their duties acting in an official capacity. Accordingly, a complaint will only be upheld where it is found that there has been such a serious failure.

The complaint process may not be used for settling personal disputes.

The complaints process may not be used for disputes between directors.

2. Instigation of Complaint

2.1. A complaint will normally be considered by the ECF only after all direct routes for the resolution of the matter have been attempted.

2.2 Complaints should set out clearly the routes already undertaken to resolve the matter and what resolution, or outcome, is being sought.

2.3. In the first place, the complaint should be sent to the ECF office who will forward it to the non-Executive Chairman of the Board who shall act as a central contact point for complaints and determine the most appropriate person(s) (whether ECF officials, Directors or otherwise) to investigate the complaint. If the complaint relates to the action of the non-Executive Chairman, then the complaint shall be sent to the remaining non-executive directors. If it relates to the actions of all the non-executives, to the Chief Executive.

2.4 The non-Executive Chairman (or others as listed above) shall have the power to reject the complaint if it does not meet the criterion as set out in 1.5 above or it contains insufficient information for a determination to be made.

2.5 All information provided pursuant to the complaint, including details which are personal to either party, may be made available to the other party as appropriate in order to enable the other party to respond.

3. Handling of Complaint

3.1. The ECF will endeavour to acknowledge receipt of all complaints within 72 hours.

3.2. The ECF will endeavour to provide an initial written response to complaints within 14 calendar days of receipt. If this timetable is not expected to be met, this will be advised to the complainant at the earliest opportunity and in any event within 14 calendar days of receipt of the complaint and in any event, the complaint shall be heard and determined as soon as reasonably practicable after receipt of the complaint .

3.3. Complaints will be upheld where it can be shown that an ECF official, acting in an official capacity, can be shown to have seriously breached their duties as an ECF officer.

3.4. The response to the complaint shall be made in writing and shall include an explanation of the ruling and its basis. This will be provided to the parties to the complaint.

3.5. If the complaint is upheld, the ECF shall take whatever action it deems appropriate to redress any wrong done. Any appropriate disciplinary action would be taken by the Board under Regulation No 4.¹

3.6 The outcome of the complaint will be published on the ECF website. This may be in summary form but as a minimum must detail the complaint and an explanation of the ruling and its basis.

4. Appeals Procedure

4.1. Any appeal must be made in writing within 14 calendar days of the issue of the original ruling. Any appeal, in order to be valid, must when submitted be accompanied by evidence demonstrating a valid prima facie case of appeal and the appellant must make a payment of a fee of £50 (such fee to be repaid if, but only if, the appeal is upheld) The burden of proof in relation to an appeal rests with the appellant. The appeal will, as far as is possible, be heard by people not involved in the original decision.

4.2. The appeal should be addressed to the person(s) specified in paragraph 2.3, who will determine whether the requirements of paragraph 4.1 have been met and, if so, who will also determine who will hear the appeal.

4.3. The timetable for acknowledging, responding to and determining the appeal shall be as set out in paragraphs 3.1 and 3.2. If the appeal is to be heard by the Board, it may be necessary to await the next scheduled Board meeting.

4.4. An appeal must include a substantive basis beyond disagreement with the original ruling. Such a basis could include:

4.4.1. Failure to give the evidence proper consideration;

4.4.2. Failure to consult with relevant parties;

4.4.3. Failure to follow the applicable procedures;

4.4.4. The argument that, in the light of the evidence, the ruling was perverse;

4.5. The decision in the response to the appeal will be final. If an appeal is dismissed, the appeal decision may be accompanied by a requirement to redress any wrong done and/or disciplinary action in excess of any decided upon in the original decision (as referred to in paragraph 3.5).

¹ In the case of officers elected by ECF Council (Directors, the FIDE delegate and chairmen and members of the Finance and Governance Committees) a procedural motion may need to be brought to ECF Council.

4.6. The outcome of the appeal will be published on the ECF website. This may be in summary form but as a minimum must detail the appeal and an explanation of the ruling and its basis.